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5 *Attorneys for Third-party Defendant/Third-Party Plaintiff,*

6 **FOXMARK MARKETING CORPORATION**

7 **UNITED STATES DISTRICT COURT**

8 **DISTRICT OF NEVADA**

9 * * * * *

10 **ESPERANZA HOPE PHAM,**

11 **Plaintiff,**

12 **vs.**

13 **WAL-MART STORES, INC., d/b/a SAM'S**
14 **CLUB STORE #6382; SAM'S WEST INC.;**
15 **NIC HESTAND; NATIONAL BEDDING**
16 **COMPANY L.L.C.; SERTA INC.; FOXMARK**
MARKETING CORPORATION a/k/a
FOXMARKMARK; DOES I-X, inclusive; and
ROE CORPORATIONS I-X, inclusive,

17 **Third-party Defendants.**

18 **FOXMARK MARKETING CORPORATION,**

19 **Third-Party Plaintiff,**

20 **vs.**

21 **BATES METAL PRODUCTS, INC.; ROE**
22 **Individuals 11 through 20; and ZOE**
CORPORATIONS AND ORGANIZATIONS
11 through 20, inclusive,

23 **Third-Party Third-party**
24 **Defendants.**

Case No.: 2:11-cv-01148 -APG-GWF

**STIPULATION AND ORDER FOR
DISMISSAL**

1 NATIONAL BEDDING COMPANY L.L.C.
and SERTA INC.,

2 Cross-Claimants

3 vs.

4 FOX MARKETING CORPORATION, MOES
1-100, inclusive,

5 Cross-Third-party Defendants.

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7 **STIPULATION AND ORDER TO DISMISS THIRD-PARTY DEFENDANT FOX**
MARKETING CORPORATION WITH PREJUDICE

8 IT IS HEREBY STIPULATED AND AGREED by and between the parties, Third-party
9 Plaintiffs NATIONAL BEDDING COMPANY, LLC and SERTA INC. ("Third-party
10 Plaintiffs"), by and through their counsel of record, BRAD R. KOHLER, II, ESQ., of the law
11 firm of THARPE & HOWELL, LLP and Third-party Defendant FOX MARKETING
12 CORPORATION by and through its counsel of record, the LAW OFFICE OF KENNETH E.
13 GOATES, ESQ., that the Third-party Complaint filed by Third-party Plaintiffs, and each and
14 every cause of action alleged therein, be dismissed **WITH PREJUDICE** as to FOX
15 MARKETING CORPORATION, only, each side to bear its own attorney fees and costs.

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1 Trial in this matter is currently set for January 17, 2014.

2 DATED this 17th day of December, 2013.

3 **THARPE & HOWELL, LLP**

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6 **BRAD R. KOHLER, II, ESQ.**

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12 Attorneys for Third-party Plaintiffs, NATIONAL BEDDING COMPANY, LLC and SERTA
13 INC.

14 DATED this 15 day of Jan, 2014.

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25 Attorneys for Third-party Defendant, FOX MARKETING CORPORATION

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ORDER

Based upon the Stipulation of the parties, the Court having reviewed all pleadings and papers on file herein, and good cause appearing:

IT IS HEREBY ORDERED that Third-party Defendant FOX MARKETING CORPORATION is dismissed from the above-entitled action **WITH PREJUDICE**, each party to bear its own attorney fees and costs herein.

IT IS FURTHER ORDERED that the Clerk of the Court return to the settling parties jury fees, if any.

DATED this 17th day of January, 2014.


UNITED STATES DISTRICT JUDGE

Submitted By:

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